



## Senate

General Assembly

**File No. 362**

February Session, 2004

Substitute Senate Bill No. 526

*Senate, March 31, 2004*

The Committee on Government Administration and Elections reported through SEN. DEFRONZO of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT IMPLEMENTING PROCEDURES FOR ABSENTEE VOTING  
BASED ON THE PILOT PROGRAM ADMINISTERED BY THE STATE  
ELECTIONS ENFORCEMENT COMMISSION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective January 1, 2005*) (a) The provisions of  
2       sections 1 to 3, inclusive, of this act shall apply to elections and  
3       primaries held in 2005 and 2006. The provisions of chapter 145 of the  
4       general statutes shall also apply to such elections and primaries, except  
5       as provided in sections 1 to 3, inclusive, of this act.

6       (b) Not later than forty-five days before each election and primary  
7       in a municipality, absentee ballot coordinators shall be appointed to  
8       serve in accordance with sections 1 to 3, inclusive, of this act. In each  
9       municipality in which the registrars of voters serve full time, said  
10       registrars shall jointly appoint and supervise such coordinators for  
11       each election, and the registrar of the party holding a primary shall  
12       appoint and supervise the coordinators for the primary. In each

13 municipality in which the registrars of voters serve part time, the  
14 municipal clerk shall appoint and supervise such coordinators for each  
15 election or primary. For purposes of this subsection, the registrars of  
16 voters shall be considered full time when each registrar is physically  
17 present in the office each day the city or town hall is open during the  
18 forty-five-day period prior to an election or primary. Absentee ballot  
19 coordinators shall be electors residing in the municipality holding the  
20 election or primary.

21 (c) For each election, at least two absentee ballot coordinators shall  
22 be appointed for each three hundred electors who voted by absentee  
23 ballot in the most recent election for the same or similar offices. The  
24 registrars of voters or the municipal clerk shall make such  
25 appointments with due consideration of the names of electors  
26 submitted by the chairpersons of the major parties, and shall notify  
27 said chairpersons of their right to submit such names for  
28 consideration. The party enrollment of absentee ballot coordinators  
29 appointed under this subsection shall be divided evenly between the  
30 major parties. As used in this subsection, "major party" has the same  
31 meaning provided in section 9-372 of the general statutes, as amended.

32 (d) For each party holding a primary, at least one absentee ballot  
33 coordinator shall be appointed for each three hundred electors who  
34 voted by absentee ballot in the most recent primary for the same or  
35 similar offices for each group of candidates whose names will appear  
36 in a single row on the official ballot at the primary. The registrar of  
37 voters or the municipal clerk shall make such appointments from  
38 names of electors submitted by such groups of candidates whose  
39 names will appear in a single row, and shall notify all such groups of  
40 their right to submit such names for consideration. The absentee ballot  
41 coordinators appointed under this subsection shall be divided as  
42 evenly as practicable between or among said groups.

43 (e) In municipalities that are covered under Section 203 of the  
44 Federal Voting Rights Act, 42 USC 1973aa-1a, the municipal clerk or  
45 registrars of voters shall appoint at least two absentee ballot

46 coordinators, of different political parties for an election, or  
47 representing different groups of candidates in a primary, who speak  
48 the language of the applicable minority group as well as English.

49 (f) No candidate for public office, municipal employee, member of a  
50 town committee or employee of, or volunteer for, a candidate  
51 committee shall serve as an absentee ballot coordinator.

52 (g) Each elector appointed to serve as an absentee ballot coordinator  
53 shall be sworn, by the municipal clerk or a registrar of voters, to the  
54 faithful performance of the elector's duties as an absentee ballot  
55 coordinator. The municipal clerk and registrars of voters shall jointly  
56 train absentee ballot coordinators, and shall forthwith, after the  
57 training, file a report in the office of the municipal clerk, stating that  
58 they have provided such training to the coordinators named in the  
59 report and the time and place where the training was provided.  
60 Absentee ballot coordinators may be compensated by the  
61 municipalities appointing them, provided a municipality may not  
62 compensate some absentee ballot coordinators and not others.

63 Sec. 2. (NEW) (*Effective January 1, 2005*) (a) An absentee ballot  
64 application may be issued only by the municipal clerk, a registrar of  
65 voters or an absentee ballot coordinator. Any such official may issue  
66 such application only to the applicant or a designee of the applicant. A  
67 designee of an applicant may provide such application only to the  
68 applicant for whom the designee is serving. As used in this section,  
69 "designee" has the same meaning provided in section 9-140b of the  
70 general statutes, as amended, except that "designee" shall also include  
71 two absentee ballot coordinators of different political parties or  
72 representing different groups of candidates in a primary, in  
73 accordance with sections 1 of this act and this section.

74 (b) (1) A municipal clerk or registrar of voters may issue absentee  
75 ballot applications in person, by mail or by facsimile machine,  
76 provided no such application shall be issued by such official in person  
77 at a location other than the office of the official.

78 (2) An absentee ballot coordinator may issue absentee ballot  
79 applications in person.

80 (3) Each municipal clerk, registrar of voters and absentee ballot  
81 coordinator shall maintain a log of each application issued by such  
82 person, including the date of issuance, the name and address of the  
83 applicant and, if applicable, the name of any designee. The log shall be  
84 confidential until the Friday before the election or primary, at which  
85 time it shall be preserved as a public record open to public inspection.

86 (4) No municipal clerk, registrar of voters or absentee ballot  
87 coordinator shall distribute with an absentee ballot application any  
88 material that promotes the success or defeat of any candidate or  
89 referendum question.

90 (c) A candidate or party committee may request a municipal clerk or  
91 registrar of voters to issue absentee ballot applications to electors  
92 whose names and addresses the candidate or party committee  
93 provides on a written list to the municipal clerk or registrar of voters.  
94 Not later than forty-eight hours after receiving such a request, the  
95 municipal clerk or registrar of voters shall provide an absentee ballot  
96 coordinator with a copy of the list and the coordinator shall make one  
97 telephone call to each elector on the list to verify that the elector needs  
98 an application. The coordinator shall annotate the list with the results  
99 of such calls and return the annotated list to the municipal clerk, who  
100 shall send an absentee ballot application to each person verified by the  
101 coordinator or whom the coordinator was unable to contact.

102 (d) The provisions of this section shall not apply to supervised  
103 absentee voting under section 9-159q or 9-159r of the general statutes.

104 Sec. 3. (NEW) (*Effective January 1, 2005*) (a) Assistance in the  
105 completion of an absentee ballot application may be provided to an  
106 applicant by: (1) The municipal clerk or a registrar of voters while said  
107 official is in said official's office, (2) a designee, as defined in section 2  
108 of this act, of the applicant, or (3) two absentee ballot coordinators  
109 enrolled in different political parties or representing different groups

110 of candidates in a primary.

111 (b) No person other than a municipal clerk, registrar of voters,  
112 absentee ballot coordinator or designee, as defined in section 2 of this  
113 act, of an applicant may assist an applicant in the completion of an  
114 application.

115 (c) Two absentee ballot coordinators enrolled in different political  
116 parties or representing different groups of candidates in a primary  
117 shall jointly conduct a session for the completion of absentee ballot  
118 applications at a federal or state subsidized multi-family dwelling or  
119 housing project where twenty or more persons reside who voted by  
120 absentee ballot in the most recent election or primary for the same or  
121 similar offices.

122 (d) The list of issued absentee voting sets required under subsection  
123 (e) of section 9-140 of the general statutes shall be confidential until the  
124 Friday before the election or primary, at which time it shall be  
125 preserved as a public record as required by section 9-150b of the  
126 general statutes.

127 (e) Executed applications shall be confidential until the Friday  
128 before the election, primary or referendum, at which time the  
129 applications shall be preserved as a public record as required by  
130 section 9-150b of the general statutes.

131 (f) The provisions of subsection (j) of section 9-140 of the general  
132 statutes shall not apply to sections 1 to 3, inclusive, of this act.

This act shall take effect as follows:	
Section 1	<i>January 1, 2005</i>
Sec. 2	<i>January 1, 2005</i>
Sec. 3	<i>January 1, 2005</i>

**GAE**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Elect. Enforcement Com.	GF - Cost	Minimal	Minimal

Note: GF=General Fund

#### **Municipal Impact:**

Municipalities	Effect	FY 05 \$	FY 06 \$
All Municipalities	STATE MANDATE - Cost	Potential	Potential

### **Explanation**

This bill adopts absentee voting procedures for the 2005 and 2006 elections and primaries based on the pilot program the State Elections Enforcement Commission (SEEC) administered in November 2003. It is anticipated that SEEC will have an increased workload to educate and train local election officials in the new requirements. In 2007, the General Assembly will review and determine whether the new requirements are permanently desirable. SEEC will incur a minimal fiscal impact for mailings and training sessions

The bill creates the position of absentee ballot coordinator (ABC). At the discretion of each municipality, these employees may be compensated. Under the 2003 pilot program that SEEC ran, each of the pilot towns compensated their ABCs. SEEC reported the following costs for ABCs in a report to the Government Administration and Elections Committee, West Haven \$1,500 (selected as representative of a large city), Winsted \$960 (medium sized city ), Kent \$75 (small town).

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**OLR Bill Analysis**

sSB 526

**AN ACT IMPLEMENTING PROCEDURES FOR ABSENTEE VOTING  
BASED ON THE PILOT PROGRAM ADMINISTERED BY THE  
STATE ELECTIONS ENFORCEMENT COMMISSION****SUMMARY:**

This bill adopts absentee voting procedures for the 2005 and 2006 elections and primaries based on the pilot program the State Elections Enforcement Commission (SEEC) administered in November 2003 (see BACKGROUND). That pilot limited the distribution of absentee ballot applications to town clerks, registrars of voters, and absentee ballot coordinators (a position the bill creates). The bill specifies the manner for distributing absentee ballot applications and allows candidates and party committees to request ballots for certain voters. It allows municipal clerks, registrars of voters, and absentee ballot coordinators to help voters complete their absentee ballot applications. It requires coordinators to conduct sessions in certain public housing complexes and requires municipal clerks to keep lists of the absentee ballot sets they distribute. The bill also allows a person to give or receive compensation for distributing absentee ballot applications or helping someone fill one out.

EFFECTIVE DATE: January 1, 2005

**ABSENTEE BALLOT COORDINATORS*****Appointment, Qualifications, and Training***

The bill requires absentee ballot coordinators to be appointed at least 45 days before each local primary and election. If a town has full-time registrars of voters, they must jointly appoint and supervise the coordinators for each election, and the registrar of the party holding a primary must appoint and supervise the coordinators for the primary. For towns with part-time registrars, the bill requires the municipal clerk to appoint and supervise the coordinators for each election and primary. For purposes of the bill's absentee voting program, registrars are full-time when each registrar is physically present in the office each

day the city or town hall is open during the 45 days before a primary or election. It requires absentee ballot coordinators to be voters who live in the town holding the primary or election.

The bill prohibits a candidate for public office, municipal employee, member of a town committee, or candidate's employee or volunteer from serving as an absentee ballot coordinator. It requires each coordinator to be sworn by the municipal clerk or registrar of voters to faithfully perform his duties as coordinator. The clerk and registrar must jointly train coordinators and immediately file a report in the clerk's office after the training stating who they trained and the time and place of the training. The bill allows coordinators to be compensated by the appointing municipality, but the municipality must compensate all coordinators or none at all; it cannot pay some and not others.

### ***Coordinators for Elections***

For each election, the bill requires at least two absentee ballot coordinators to be appointed for each 300 voters who used absentee ballots in the most recent election for the same or similar offices. The registrars of voters or municipal clerk must (1) notify the major parties' chairmen of their right to submit voters' names for consideration and (2) appoint coordinators with due consideration of the names submitted. The coordinators' party enrollment must be evenly divided between the major parties.

### ***Coordinators for Primaries***

For each party holding a primary, the bill requires the registrar of voters or municipal clerk to appoint at least one absentee ballot coordinator for each 300 electors who voted by absentee ballot in the most recent primary for the same or similar offices for each group of candidates whose names will appear in a single row on the primary's official ballot. The registrar or clerk must make the appointments from voters' names submitted by each candidate slate and notify all of these groups of their right to submit names for consideration. The coordinators appointed for primaries must be divided as evenly as practicable between or among the groups.

### ***Foreign Languages***



In towns where voting materials must be printed in certain minority groups' languages as well as in English as required by the federal Voting Rights Act, the bill requires the municipal clerk or registrar of voters to appoint at least two absentee ballot coordinators, from different political parties for an election or representing different groups of candidates in a primary, who speak the applicable minority group's language as well as English (see BACKGROUND).

## **ABSENTEE BALLOT APPLICATIONS**

Under the bill, only a municipal clerk, registrar of voters, or absentee ballot coordinator may issue an absentee ballot application. Current law allows anyone to pick up and distribute an application or ask a town clerk or registrar to mail one to a qualified prospective absentee voter. The officials named in the bill may issue an application only to the applicant or his designee, and the designee may provide the application only to the applicant for whom he is serving. The bill defines "designee" as (1) a person caring for the applicant because of illness or physical disability, including a licensed physician or a registered or practical nurse; (2) a member of the applicant's family who the applicant designates and who consents to the designation; (3) if no such person consents or is available, then a police officer, registrar of voters, or deputy or assistant registrar of voters in the town where the applicant lives; or (4) two absentee ballot coordinators of different political parties or representing different groups of candidates in a primary.

The bill allows a municipal clerk or registrar of voters to issue absentee ballot applications in person, by mail, or by fax machine, but it prohibits them from issuing an application in person at a location other than their office. The bill allows an absentee ballot coordinator to issue applications in person. It requires municipal clerks, registrars, and absentee ballot coordinators to keep a log of each application they issue, including the issuance date, the applicant's name and address, and, if applicable, any designee's name. The log must be confidential until the Friday before the primary or election when, as a public record, it is open to public inspection. The bill prohibits a clerk, registrar, or coordinator from distributing with an application any material promoting the success or defeat of a candidate or referendum question.

The bill allows a candidate or party committee to ask a municipal clerk

or registrar of voters to issue absentee ballot applications to voters whose names and addresses the candidate or party committee provides on a written list. Within 48 hours after receiving the request, the clerk or registrar must provide an absentee ballot coordinator with a copy of the list and the coordinator must telephone each voter on the list to verify that he needs an application. The coordinator must annotate the list with the results of the calls and return it to the clerk, who must send an application to each person the coordinator verified or who the coordinator could not contact.

The bill specifies that the absentee ballot application provisions do not apply to supervised absentee voting at veterans' health care facilities, residential care homes, health care facilities for people with disabilities, nursing homes, rest homes, mental health facilities, alcohol or drug treatment facilities, or school infirmaries, which have procedures for supervised absentee voting under existing law.

### **ABSENTEE BALLOT APPLICATION ASSISTANCE**

The bill limits those who can provide assistance to an applicant in completing an absentee ballot application to: (1) the municipal clerk or registrar of voters while the official is in his office, (2) the applicant's designee, or (3) two absentee ballot coordinators enrolled in different political parties or representing different groups of candidates in a primary. It prohibits anyone else from helping an applicant complete an application.

The bill requires two absentee ballot coordinators from different parties or representing different groups of primary candidates to conduct a joint absentee ballot application session at a federal or state subsidized multi-family dwelling or housing project where at least 20 people live who voted by absentee ballot in the most recent primary or election for the same or similar offices.

The law requires the municipal clerk to keep a list of the serial numbers on absentee voting sets (the absentee ballot, inner and outer envelopes for its return, instructions for its use, and, if necessary, explanatory texts for ballot questions) he distributes. The list is confidential until the Friday before the primary or election, at which point it must be preserved as a public record and is subject to disclosure. It also requires executed applications to be confidential until the Friday before the primary, election, or referendum, at which

point they are no longer confidential and must be preserved with other absentee voting materials.

## **BACKGROUND**

### ***2003 Pilot Program***

PA 03-227, authorized a pilot program for the towns of West Haven, Winsted, and Kent to appoint absentee ballot coordinators to distribute absentee ballot applications and assist voters in completing their applications and absentee ballots.

### ***Covered Areas for Voting Rights Bilingual Election Materials***

The U.S. Department of Justice has, pursuant to federal law (42 USC 1973aa-1a(203)), designated the following Connecticut jurisdictions that must provide election materials in Spanish: Bridgeport, Hartford, New Britain, and Windham (28 CFR 55 (Appendix) (2003)).

## **COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 16      Nay 1